

ESTTA Tracking number: **ESTTA249729**

Filing date: **11/19/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177215
Party	Plaintiff ALBERTO-CULVER INTERNATIONAL, INC.
Correspondence Address	Craig S. Fochler Foley & Lardner LLP 321 North Clark Street, Suite 2800 Chicago, IL 60610-4764 UNITED STATES cfochler@foley.com, cmandly@foley.com, edepakakibo@foley.com
Submission	Other Motions/Papers
Filer's Name	Charles R. Mandly, Jr.
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Signature	/Charles R. Mandly, Jr./
Date	11/19/2008
Attachments	3vo.pdf (4 pages)(43456 bytes)

ALBERTO-CULVER INTERNATIONAL, INC.)

Opposer,

Opposition No. 91177215

V.

998232 ALBERTA LTD.

Applicant.

NOTICE OF EXPRESS ABANDONMENT

PLEASE TAKE NOTICE that applicant, 998232 Alberta Ltd. (“Alberta”), has expressly abandoned application Serial No. 78/904,064 which is the subject of this opposition proceeding. A true and correct copy of Alberta’s Express Abandonment of Trademark Application is attached hereto as Exhibit A. Accordingly, opposer, Alberto-Culver International, Inc., respectfully requests that this opposition be sustained in accordance with Rule 2.135 of the Trademark Rules of Practice, 37 C.F.R. § 2.135

Respectfully submitted,

FOLEY & LARDNER LLP

Date : November 19, 2008

/Charles R. Mandly, Jr./

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Attorneys for Opposer
Alberto-Culver International, Inc.

CERTIFICATE OF SERVICE

I, Charles R. Mandly, Jr., counsel for opposer, hereby certify that a copy of this NOTICE OF EXPRESS ABANDONMENT was served upon applicant, 998232 Alberta Ltd., ATT'N: Chad Welechenko, Director of Marketing, 5923 3rd Street SE, Calgary T2H1K3, Canada, on November 18, 2008, by first class mail, postage prepaid.

/Charles R. Mandly, Jr./
Charles R. Mandly, Jr.

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: 3VO (Stylized))
Applicant: 998232 Alberta Ltd.)
Serial No.: 78/040,064)
Filed: June 8, 2006)
Published: January 9, 2007)

TO: Commissioner for Trademarks
P.O. Box 1451
Arlington, Virginia 22313-1451
United States of America

EXPRESS ABANDONMENT OF TRADEMARK APPLICATION

Applicant, in accordance with Rule 2.68 of the Trademark Rules of Practice, 37 C.F.R.

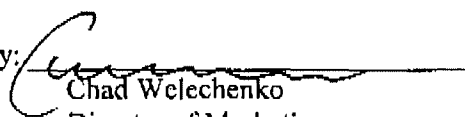
§ 2.68, expressly abandons the above-identified application, which was opposed in *Alberto-Culver International, Inc. v. 998232 Alberta Ltd.*, Opposition No. 91177215 (T.T.A.B. filed May 9, 2007).

Respectfully Submitted,

998232 ALBERTA LTD.

Dated: October 15, 2008

By:


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